

Remarks

I. Introduction

With the withdrawal of claims 10-12, claims 1-9 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 1-3 Under 35 U.S.C. § 102(b)

Claims 1-3 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,077,340 (“Braun et al.”). Applicant respectfully submits that Braun et al. do not anticipate the present claims for the following reasons.

Claim 1 relates to a device for processing a material web. Claim 1 recites that the device includes a machine base member and a sonotrode supported in a housing. Claim 1 recites that the housing is joined to the machine base member by at least one flexible element.

Braun et al. purport to describe “[a] workpiece prepuncturing device for use with a sewing machine having drive means for reciprocating a needle and means for feeding a workpiece into association with the needle to sew a stitch comprises a perforating tool which is located at a spaced location from the needle which is comparable to a multiple of the stitch length.” Abstract. Braun et al. state that “[t]he perforating tool cooperates with a counter tool which is mounted on the opposite side of the workpiece and is movable toward and away from the workpiece in timed relationship to the speed of the feed and the reciprocation of the perforating tool.” Abstract. Furthermore, Braun et al. state that “[t]he counter tool is supported in a base portion of the sewing machine by an elastic suspension, and it is in drive connection with the main shaft of the machine which operates the needle and the feed for the workpiece.” Abstract.

It is respectfully submitted that Braun et al. do not anticipate claim 1 for at least the reason that Braun et al. do not disclose, or even suggest, all of the features recited in claim 1. For example, Braun et al. do not disclose, or even suggest, a sonotrode supported in a housing, the housing being joined to the machine base member by at least one flexible element, as recited in claim 1. The Specification states at page 3, lines 13-18 that “[t]he present invention provides an arrangement which eliminates or at least reduces the friction-encumbered movements of individual bearing elements relative to each other, and instead provides a bearing which exhibits no surface friction of individual bearing elements to be moved relative to each other [e.g.,] by flexible elements.” The Specification also states at page 3, lines 18-20, that “[t]he flexible

elements set a reaction force, dependent on the spring constant, against the relative movement of the housing with respect to the machine base member.” The Specification further states at page 3, lines 20-23 that “the reaction force can be controlled better than a restoring force based on a surface friction of the bearing elements, since, as described, such a surface friction weakens suddenly and therefore places great demands on the control system.”

The Office Action states that “Braun discloses, and shows in figures 1-3: 1. A device for processing a material web, comprising: a machine base member (1), and a sonotrode supported in a housing (23; see column 6 lines 25-34), wherein the housing is joined to the machine base member by at least one flexible element (20).” Office Action at page 3. However, Braun et al. states that “[t]he ultrasonic transformer 19 has connected to it a transmission line 20 formed of a nickel-copper alloy, for example a monel wire (approximately two parts nickel, one part copper).” Col. 4, lines 42-45. In addition, Braun et al. states that “[i]n ultrasonic transformer 19 the electric oscillations generated by the generator are transformed into longitudinal oscillations and transmitted via the transmission line 20 to the upper perforating tool 23.” Col. 6, lines 27-31. Thus, there is no disclosure or suggestion in Braun et al. that the transmission line 20 is flexible, but rather the transmission line 20 is non-flexible so as to perform the function of transmitting the longitudinal oscillations from the generator to the upper perforating tool 23.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Braun et al. do not anticipate claim 1, because Braun et al. do not disclose, or even suggest, all of the features recited in the claim.

As for claims 2-3, each of which ultimately depend from and include all of the limitations of claim 1, it is respectfully submitted that Braun et al. do not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claim 1.

III. Allowable Subject Matter

The Office Action states that claims 4-9 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form. Office Action at page 3. Applicants have amended claims 4, 7 and 9 to independent form so as to include all of the limitations of their respective base claims, i.e., claim 1. Thus, Applicants respectfully maintain that these claims are currently allowable. Regarding claims 5 and 6, and claim 8, these claims are dependent on claims 4 and 7, respectively. Therefore, Applicants respectfully maintain that these claims are also currently allowable by virtue of the amendments made herein to their respective independent claims.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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Respectfully submitted,
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